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Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

Addendum

Mission to Honduras*

Summary

The present report contains the findings of the Special Rapporteur on violence against women, its causes and consequences, from her visit to Honduras, conducted from 1 to 8 July 2014. In the report, the Special Rapporteur examines the situation of violence against women in the country, taking into account its causes and consequences and implications for the effective exercise and enjoyment of all human rights by women. She also discusses the State's responses, through an analysis of the obligation to act with due diligence, to prevent such violence, to protect and provide remedies to women who have been subjected to violence, and to prosecute and punish the perpetrators.

* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and Spanish only.

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Annex

[English and Spanish only]

Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Honduras (1–8 July 2014)

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I. Introduction

1. The Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, visited Honduras from 1 to 8 July 2014. The purpose of the visit was to examine the situation of violence against women in the country in a comprehensive manner, including violence perpetrated within the family, in the community, in institutional settings and in the transnational sphere. During the visit she met with relevant stakeholders in Tegucigalpa, San Pedro Sula and La Ceiba.

2. In Tegucigalpa, the Special Rapporteur met with the Deputy Minister for Security, the Deputy Secretary for Justice and Human Rights and representatives of her department;[1] the Deputy Secretary for Social Development and representatives of her department, including the Deputy Chair of the National Institute for Women (INAM); representatives of the Gender Unit of the Honduran National Police; the President of the Supreme Court of Justice; members of the congressional Commission on Gender Equity; staff of the Office of the Public Prosecutor (Fiscalía General); and representatives of the Office of the National Commissioner for Human Rights (CONADEH), the National Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment (CONAPREV) and the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT). In San Pedro Sula and in La Ceiba, she met with the mayors and with the staff of each city's Municipal Office for Women (OMM).

3. The Special Rapporteur had the opportunity to speak with the staff and women survivors of violence in three shelters and to hear the testimonies of women and girls in detention facilities. In La Ceiba, she visited a comprehensive centre for victims of domestic and sexual violence (Centro MAI), where she met with the staff working in the medical and legal units. She also met with representatives of civil society, including women's organizations, and representatives of United Nations agencies, funds and programmes.

4. The Special Rapporteur expresses her deep appreciation to all her interlocutors, including State authorities and representatives of civil society organizations and United Nations agencies. Most importantly, she wishes to thank the individual women who shared their personal experiences of violence and survival with her. She looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

II. Context

5. Honduras is classified as a lower middle-income country with a population estimated at 8.1 million in 2013. Approximately 65 per cent of the population lives in poverty. While 60 per cent of the national income is earned by the wealthiest 20 per cent of the nation, the poorest 20 per cent earn just 2.02 per cent of the income.[2] High levels of illiteracy and low levels of school attendance are also challenges facing Honduras.

6. In a historical context of poverty, underdevelopment and citizen insecurity, the 2009 coup further resulted in serious human rights violations being committed. On 28 June 2009, the Honduran military forces apprehended the then President of Honduras, Manuel Zelaya,

[1] Prior to the recent restructuring of the Government, the Department of Justice and Human Rights was a ministry.

[2] World Bank data indicators of income share held by lowest 20 per cent. See www.tradingeconomics.com/honduras/income-share-held-by-lowest-20percent-wb-data.html.

and led to his forced exit out of the country. The justification given was that he had planned to organize a poll on the possibility of holding a referendum on constitutional reforms prior to the November 2009 elections. Thereafter the then Speaker of Congress, Roberto Michelitti, was sworn in as the new President of Honduras. The international community largely recognized these actions as a military coup, which further exacerbated the situation and negatively affected Honduran society as a whole. As a response to the coup, the international community imposed sanctions and economic pressure on the country. The socioeconomic inequalities are compounded by high homicide rates, alarming levels of other expressions of violence, robberies, extortion, the proliferation of small and light weapons, and an increase in organized crime and the drug trade. The actions of violent gangs (*maras*) further contribute to high levels of insecurity.

7. In recent years, Honduras has been undergoing a period of stabilization. A number of measures have been taken to address the climate of widespread and systematic crime, corruption and impunity, including, among others, the establishment in 2010 of a ministry of justice and human rights and the setting up of the Truth Commission to examine events surrounding the 2009 coup. To address the growing insecurity and violence, in November 2011 the Congress passed an emergency decree allowing military personnel to carry out public service duties. In August 2013 it authorized the creation of a military police force with powers to seize control of violent neighbourhoods and make arrests, among other duties.[3] The role and continuing influence of the military in general, but particularly in policing and education activities, was a concern expressed by many interviewees.

8. In addition, the current Government, which has been in place since January 2014, has adopted strategies to tackle the financial crisis and reduce costs, while enhancing efficiency in responding to critical issues at the national level. For example, there has been a considerable reduction in the number of government ministries. However, the overall lack of institution-building, the high turnover of staff in the civil service, the reduction of specialized services and the politicization of appointment processes negatively affect the continuity and sustainability of Government policies and programmes.

III. Manifestations of violence against women

9. Violence against women is widespread and systematic and affects women and girls in numerous ways. A climate of fear, in both the public and private spheres, and a lack of accountability for violations of human rights of women are the norm, despite legislative and institutional developments.

10. In 2006, the Committee on the Elimination of Discrimination against Women expressed concern about the prevalence of many forms of violence against women, including sexual abuse against women and girls, particularly incestuous abuse of girls, as well as rape, domestic violence and femicide (CEDAW/C/HON/CO/6, para. 18).

11. The existence of multiple and conflicting statistics reported by different stakeholders gives rise to concerns about the accuracy of data collection.

A. Violence against women in the family

12. According to the national health and population survey for the period covering 2011/12, 27 per cent of women aged between 15 and 49 years interviewed stated that they

[3] See Decree No. 168-2013 establishing the Military Police for Public Order.

had been subjected to physical violence at some point in their lives.[4] In 2012, the Statistical Observatory of the Office of the Public Prosecutor reported receiving more than 16 thousand complaints related to violence against women. About 74.6 per cent of those complaints pertained to domestic violence and intrafamily violence, followed by sex crimes, which accounted for almost 20 per cent of the total.

13. Domestic violence remains the leading reported crime at the national level. Between 2009 and 2012, 82,547 domestic violence complaints were lodged in both *juzgados de letras* (first instance courts) and *juzgados de paz* (local courts that address minor cases) across the territory.[5] Statistics illustrate that Honduran women are disproportionately affected by domestic violence: of the 21,170 such complaints received by the courts in 2013, 19,458 (92 per cent) were filed by women, as compared to 1,712 filed by men.[6] Statistics provided by the Special Prosecutor for Women show a low percentage of convictions as compared to the large number of complaints. During the 2012–2014 period, 4,992 complaints were registered, with just 134 convictions.[7]

14. Femicides have increased alarmingly in recent years and were highlighted as a major source of concern by all interlocutors. In 2012, 606 cases of femicides were reported, which represents, on average, 51 women murdered per month.[8] According to preliminary statistics from official sources, 629 cases of femicide were registered in 2013. A total of 445 violent deaths of women were reported through the main media outlets during the same period.[9] Traditionally, domestic violence and intrafamily violence were the leading causes of femicides, but new scenarios involving sexual violence, gang-related violence and organized crime have emerged in Honduras. It is reported that one in five cases of femicide occurs in the context of domestic or intrafamiliar violence; 7 per cent are linked to sexual violence and 60 per cent are linked to organized crime.[10]

B. Violence against women in the community

15. Violence against women in the community can include rape and other forms of sexual assault and harassment. During the period from 2006 to 2010, the number of cases of sexual violence reported to the police per 100,000 inhabitants ranged from 42.35 in 2006 to 52.65 in 2009.[11] The online database of the judiciary indicates that 2,850 cases relating to sexual offences were registered between 2011 and 2013, including, among others, cases of

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[4] Honduras, "Encuesta Nacional de Demografía y Salud 2011–2012: informe resumen", p. 16.

[5] Liana Funez and Sara Avilez Tome, "Informe de la consulta de la Estrategia de Seguridad en Centro América, ESCA: informe de Honduras" (2013).

[6] Judiciary of Honduras (Poder Judicial), "Boletín estadístico", Juzgados de letras y paz en materia de violencia doméstica, Ingresos por departamento, 2013. Available from www.poderjudicial.gob.hn/CEDIJ/Documents/Bolet%C3%ADn%20Estad%C3%ADstico%20A%C3%B1o%202013.pdf.

[7] The Government of Honduras provided statistics in its response to the draft report provided, and informed the Special Rapporteur that a technical agency for criminal investigation would soon be established.

[8] National Autonomous University of Honduras (UNAH), "Boletín especial: violencia contra las mujeres y femicidios en el Distrito Central año 2012", special edition No. 12 (June 2013) (www.unicef.org/honduras/Mujeres_DC_2012.pdf).

[9] UNAH, "Boletín especial sobre muerte violenta de mujeres", special edition No. 17 (January 2014).

[10] Mirta Kennedy, "Informe preliminar de la consulta de la ESCA en seis países" (Tegucigalpa, 2014).

[11] Ipas and the United Nations Population Fund (UNFPA), "Estudio sobre la situación y la calidad de los servicios seleccionados de atención a la violencia sexual en Honduras", December 2011.

rape, sexual intercourse with a minor and abduction.[12] However, other sources claim that in 2013 alone, approximately 2,851 sexual violence complaints were filed.[13]

16. The acts of gangs further exacerbate the levels of violence and insecurity in Honduras. Young girls involved in gangs are subjected to rape and are forced to carry drugs and guns. They are also pressured to have sex during initiation rituals. The Special Rapporteur was informed that women and girls between the ages of 15 and 34 are often killed in vengeance acts to settle disputes between gang members. The victims' bodies reveal the brutality inflicted, including appalling levels of mutilation and torture, and also decapitation to erase all traces of identity. Those acts, which are most common in urban areas, are often also associated with acts of kidnapping and sexual violence.

17. Violence against sex workers is escalating. The lesbian, gay, bisexual, transgender and intersex community is also facing escalating violence; the Special Rapporteur was informed that 107 members of this community were murdered between 1994 and October 2012 in the departments of Francisco Morazán, Cortés, Atlántida, Islas de la Bahía, Choluteca, Comayagua, Olancho and El Paraíso.[14] Lesbians and other women who live outside of heterosexual norms are often subjected to violence, rape and other forms of discrimination. In the workplace they are often bullied, harassed or overlooked for promotions, and may even be denied employment due to their style of dress.[15] The Special Rapporteur was informed of an increasing trend of migration, especially among transgender sex workers seeking to flee from discrimination and abuse.

18. The working conditions in *maquila* plants in the country's export processing zones (EPZs) are also a subject of concern. The *maquila* industry employs approximately 125,000 people, 65 per cent of whom are women.[16] Most of the employees are young women from rural areas between the ages of 17 to 25. Interviewees referred to recurrent violations of their rights, including verbal and physical abuse by supervisors, sexual harassment, being subjected to pre-employment pregnancy tests, unfair dismissal and discrimination on the grounds of pregnancy, and denial of maternity leave and other social benefits.

C. Violence perpetrated and/or condoned by the State

19. It has been reported that, during and after the coup, hundreds of people were brutally repressed by the police, the military and security forces to break up demonstrations, and that more than 10 people died. Multiple cases of threats, intimidation, illegal arrests, kidnappings and torture occurred.[17]The Special Rapporteur was also informed of cases of enforced disappearances of women. Sources indicate that there has been a 281 per cent

[12] Data from the Centro Electrónico de Documentación e Información Judicial, "Tribunales de sentencia a nivel nacional, ingresos y resoluciones: delitos contra la libertad sexual y la honestidad cometidos a mujeres, años 2011–2013".

[13] Calculations of the Centre for Women's Rights, based on complaints lodged nationally.

[14] Cattrachas, "Situación de las muertes violentas de la comunidad LGTTBI en Honduras, 1994–2012".

[15] Asociación para el Desarrollo Integral de la Mujer (ADEIM Simbiosis) and others, *Unnatural, Unsuitable, Unemployed' Lesbians and Workplace Discrimination in Bolivia, Brazil, Colombia, Honduras and Mexico* (2005).

[16] Jennifer M. Swedish, "The SETISA factory: mandatory pregnancy testing violates the human rights of Honduran maquila workers, *Northwestern Journal of International Human Rights*, vol. 4, No. 2 (2005).

[17] International Federation for Human Rights (FIDH), "Honduras: human rights violations in Bajo Aguán" (2011).

increase in reported cases of disappeared women, up from 91 cases in 2008 to 347 in 2013.[18]

20. As regards the situation in prisons and other detention facilities, in 2009 the Committee against Torture expressed concern at reports of frequent ill-treatment and torture and excessive use of force on arrest, as well as acts of extortion by law enforcement officials, and at the persistent high number of detainees, both children and adults, in prolonged pretrial detention (CAT/C/HND/CO/1, para. 14). In 2012, the Inter-American Commission on Human Rights reported that the main structural deficiencies in the Honduran prison system included the delegation of internal control of the prisons to the prisoners themselves; overcrowding; lack of sufficient budget and adequate legal structure; lack of professional prison staff that was trained and specialized; and the lack of separation between male and female inmates and between those awaiting trial and those who had been convicted. In 2012, CONADEH reported that 56 per cent of the total prison population consisted of convicted persons, whereas the remaining 44 per cent had yet to be sentenced.[19] CONAPREV, established in 2008, monitors detention centres and ensures that the treatment of prisoners is in compliance with the Standard Minimum Rules for the Treatment of Prisoners.

21. As in most countries, the number of incarcerated women in Honduras has been growing, with a female inmate population of 718 female prisoners across 24 prisons. The Special Rapporteur visited the national penitentiary for women (Penitenciaría Nacional Femenina de Adaptación Social), the only prison exclusively for women, in Tamara, 40 kilometres from Tegucigalpa. At the time of the visit, 300 inmates and 12 children, who are allowed to stay with their mothers up to the age of 4, were housed in the facility. Although high degrees of overcrowding were not observed, the Special Rapporteur was informed that at times there were up to 16 women in a 4 metre by 4 metre cell. Currently the food budget allocated to each inmate is about 13 lempiras for three meals, which is the equivalent of approximately US$ 0.60.[20] In addition, while there is a complaints procedure within the facility to report abuse, the Special Rapporteur was informed that fear of repercussions against families prevents inmates from voicing their concerns.

22. Women are held for crimes such as theft, extortion, possession and trafficking of drugs, kidnapping and murder. While some have been convicted, many women were still awaiting sentencing or trial.[21] The women in the latter situation regularly miss their hearings due to inadequate legal representation and the unavailability of transportation to go to court. The Special Rapporteur was informed that after two years as pretrial detainees, the women are released. Through interviews with both inmates and staff, the Special Rapporteur confirmed that many women in detention have a history of being subjected to violence prior to being imprisoned. The links between violence against women and women's incarceration, whether prior to, during or after incarceration, is not being adequately addressed.

23. Located in the vicinity of the women's penitentiary are two rehabilitation facilities for 12- to 18-year-old adolescents who are in conflict with the law. Those institutions were

[18] Report submitted by feminist organizations in Honduras to the Special Rapporteur, entitled "Situación de las violencias contra las mujeres en Honduras" (2014).

[19] CONADEH, annual report for 2012 (http://app.conadeh.hn/Anual2013/informes/CONADEH_2012.pdf).

[20] CONAPREV, "Relatora de la ONU se reune con el MNP-CONAPREV" (www.conaprev.gob.hn/index.php/noticias/83-relatora-de-la-onu-se-reune-con-el-mnp-conaprev).

[21] National Directorate of Special Preventive Services, under the Ministry of Security, as at 7 October 2013.

under the administration of the Honduran Institute for Children and the Family (IHNFA), with one facility for adolescent boys and the other for girls. Due to recent changes by the Government, the Institute is no longer in existence. At the time of the visit, 22 girls had been temporarily transferred to the premises of the Casita 21 de Octubre, a centre for vulnerable adolescent boys who are not yet in trouble with the law. The boys were moved to the girls' detention centre in Tamara. Reasons for the urgent relocation of the girls include allegations of improper management; the need to address repeated break-out attempts; and the need to prevent the girls from fraternizing with the boys in the other detention facility.

24. The majority of the girls had been detained for theft and drug crimes and on the presumption that they were involved with gangs, in accordance with article 332 of the Criminal Code on "unlawful associations". The Special Rapporteur heard from the girls and also witnessed the injuries sustained by some of them due to the excessive use of force to enforce cooperation and obedience to the rules set by the administrators of the facility. The issue of violence against the girls was raised with CONAPREV during the mission. The Special Rapporteur also notes the lack of rehabilitation activities offered to the girls in the facility.

25. The problematic nature of article 332 is of concern, as the term "unlawful associations" can and has led to the incarceration of girls without proper due process. In 2009, the Committee against Torture expressed concern that a suspected member of an "unlawful association" could be arrested without an arrest warrant and that his/her detention on remand was mandatory. It expressed further concern at the repressive social policy in combating "unlawful associations", or "*maras*" or "*pandillas*", which did not adequately consider the root causes of the phenomenon and might criminalize children and young people on the sole ground of their appearance (CAT/C/HND/CO/1, para. 19).

D. Violence linked to the transnational sphere

26. Due to its strategic location, Honduras is a country of origin and transit in Central America and, to a lesser extent, a destination country, confronted with numerous challenges related to migration and to trafficking, both of persons and of narcotics.

27. The lack of economic opportunities pushes people to leave their homes and communities in search of better lives. Some are drawn to neighbouring countries, while others migrate to the United States of America. Reportedly, 17,582 unaccompanied undocumented minors were apprehended at United States borders in 2014. Of the 98 children from Honduras interviewed by the Office of the United Nations High Commissioner for Refugees (UNHCR), 44 per cent had been threatened with or were victims of violence by organized armed criminal actors; 24 per cent reported abuse at home; 11 per cent reported that they had been victims of both violence in society and abuse in the home; and 21 per cent discussed situations of deprivation.[22] Sources indicate that from 1997 to 2012, 250,205 migrants were returned/deported by the United States back to Honduras.[23]

28. Impoverished women and children are particularly vulnerable and are often tricked or forced into commercial sexual exploitation or servitude. Although they are promised well-paying jobs in the service-related sector, upon arrival at their destinations, they are made to work under inhumane conditions and are often subjected to threats of deportation

[22] UNHCR, *Children on the Run* (2014).

[23] Information from the Directorate-General for Migration and Foreign Nationals.

or incarceration, physical and emotional abuse and violence. Trafficking remains grossly underreported due to the hidden nature of the crime, and also the prevalence of organized crime. The Office of the Public Prosecutor registered 27 complaints of trafficking of women for sexual exploitation in 2013.

IV. Implications of inequality, discrimination and violence

29. Equality and non-discrimination principles are enshrined in the Constitution of Honduras and other legal instruments, but there is still considerable de facto gender inequality in the civil, political, economic and social spheres, which precludes the full enjoyment of human rights by women and girls.

A. Civil and political rights

30. Violence against women negatively affects civil and political rights, including, among others, women's right to life, bodily integrity and equal protection under the law. The right to life is guaranteed under article 65 of the Constitution. During her visit, the Special Rapporteur was informed that the number of violent deaths of women had risen by 263.4 per cent between 2005 and 2013. Evidence suggests a direct correlation between femicide rates and the proliferation and use of small arms. In Honduras, a person is legally allowed to register up to five firearms.[24] Given that men comprise the majority of those who use small arms, they represent a threat both at home and on the streets, thus contributing to the generalized culture of violence and insecurity facing women and girls in particular.

31. Violence against women also restricts women's freedom of movement in a number of ways. The Special Rapporteur was informed that during the demonstrations that had taken place during the coup, several women had been arbitrarily detained and suffered sexual abuse. This type of behaviour further served to intimidate women into avoiding the public arena, thus affecting women's effective participation in decision-making processes, both in the public and private spheres. Prior to the restructuring of the Government, women held 3 out of 17 ministerial positions.[25] The Equal Opportunities for Women Act of 2000 established, for the first time, a minimum 30 per cent quota for women with respect to posts filled by popular vote. Despite this provision, women represented only 7.1 per cent of elected officials in Congress in 2001. The mandatory requirement for political parties to comply with the provisions on participation by women, contained in the reform of the Elections and Political Organizations Act in 2004, proved to be effective, as in 2005, women constituted 24.2 per cent of the candidates elected. However, women's representation in parliament dropped to 19.5 per cent in 2009.

32. In April 2012, Congress approved an amendment to article 105 of the elections law which increased the minimum quota of women candidates from 30 to 40 per cent for primary elections. The amendment also stipulated that the quota would increase to 50 per cent for future election processes.[26]

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[24] Control of Firearms, Ammunition, Explosives and Other Related Material Act, art. 27, as amended through Decree No. 69-2007.

[25] Inter-Parliamentary Union and the United Nations Entity for Gender Equality and the Empowerment of Women, "Women in politics: 2014" (www.ipu.org/pdf/publications/wmnmap14_en.pdf).

[26] European Union Election Observation Mission, Honduras 2013, "Honduras: final report — general elections 2013".

33. Women made up 40.4 per cent of candidates for Congress and 20.8 per cent of candidates for mayor in the 2013 general elections. The elections resulted in a Congress with 24.2 per cent women members, and local governments in which 6.7 per cent of mayors are women.[27] With regard to the judiciary, there are 798 judges and magistrates in Honduras; of those, 398 are women.[28] Of the 15 magistrates in the Supreme Court, 3 are women.[29] A gender unit was established within the Supreme Court pursuant to Accord No. 04-2010 of 30 September 2010.

34. The Special Rapporteur notes that access to justice for women, including for indigenous and Afro-descendant women, is seriously compromised due to a range of institutional and procedural factors. These obstacles include insufficient resources and poor infrastructure; the lack of specialized units and staff trained on gender issues within the different criminal justice institutions, including police, prosecutors and judges; and the length of trials and delays in the criminal justice process. Moreover, the lack of proper investigation, evidence collection and forensic facilities and capacities further hinder women's access to justice.

35. Reporting of violence against women is extremely low compared to the actual occurrence. Reasons that prevent women and girls from seeking help or reporting acts of violence include stigma, shame, discrimination, fear of reprisals from the perpetrators, feelings of guilt and lack of support from friends and family, as well as complications and risks on prior to lodging the complaints.[30] The Special Rapporteur was informed that even when women wish to file complaints, they are often encouraged to withdraw the case. The lack of a responsive environment, and the lack of economic independence, results in many victims being compelled to stay in abusive relationships.

36. As regards domestic violence, while there are legal provisions aimed at securing the safety of those accessing justice through protection orders, injunctions or other interim measures, the Special Rapporteur was informed that perpetrators seldom abide by these provisions. In theory, the latest amendment to article 23 (8) of the Domestic Violence Act of 1997 protects the confidentiality of the concerned parties, but in fact it restricts victims' access to justice by preventing service providers from having access to information necessary to assist such clients with their cases.[31] The Special Rapporteur also notes the absence of an effective witness protection programme and safe accommodation for those at risk of further violations.[32]

37. Human rights defenders, particularly those working on issues linked to land claims, environmental protection and the rights of minorities, face numerous challenges, including harassment, intimidation and reprisals related to their activities. The Special Rapporteur was informed of the case of Gregoria Flores Martínez, a member of the Honduran Black Fraternal Organization (OFRANEH), who was shot and wounded by security forces on 30 May 2005 as she was collecting testimony to present before the Inter-American Court of Human Rights. The Court issued a ruling acknowledging the precarious security situation

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[27] Ibid.

[28] Judiciary of Honduras, "Memoria anual 2012" (www.poderjudicial.gob.hn/transparencia/planeacion/informes/memorias/Documents/Memoria%20PJ%202012.pdf).

[29] Information retrieved from the website of the judicial branch (www.poderjudicial.gob.hn/).

[30] Ipas and UNFPA, "Estudio sobre la situación".

[31] In its response, the Government stated that the amendment to article 23 (8) had been abolished by Decree 66-2014 as of September 2014.

[32] Despite the response from the Government indicating that victims in need of special protection are provided with special accommodation, interlocutors assert that the system is not functioning as specified in the protocols.

of the Garifuna activists and asked the Government of Honduras to adopt protective measures for Ms. Flores, her family and other members of OFRANEH.[33]

38. Interviewees largely confirmed the findings of the Special Rapporteur on the situation of human rights defenders that women defenders are more at risk of certain forms of violence and other violations, such as prejudice, exclusion and repudiation, than their male counterparts due to the fact that they are seen as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation and the role and status of women in society, which often serve to normalize and perpetuate forms of violence and oppression. Furthermore, their complaints are often dismissed and they are subjected to repeated threats and intimidation by the authorities (see A/HRC/22/47/Add.1).

B. Economic and developmental rights

39. Honduras is the second poorest country in Central America, with an estimated gross domestic product of US$ 18.55 billion in 2013.[34] The country faces an extremely unequal distribution of income and a high unemployment rate. Due to the economic crisis and high levels of poverty, many men and some women have been forced to migrate in search of better means to support their families. It is reported that women head approximately 32 per cent of households.[35] This phenomenon is attributable to the disintegration of families due to domestic and intrafamiliar violence, and also the high level of homicide in the country. It is estimated that the annual cost of violence amounts to 10 per cent of the gross domestic product (nearly US$ 900 million).[36]

40. The Special Rapporteur notes the efforts made by the Government to alleviate poverty through its poverty reduction strategy and to promote women's economic development and empowerment through the adoption of the National Policy on Women and the Second Plan for Equality and Gender Equity (2010–2022). Furthermore, the principle of equal remuneration for work of equal value applies to all workers without any discrimination pursuant to article 128 (3) of the Constitution and article 367 of the Labour Code. In practice however, gender-based discrimination in employment occurs. Although women's literacy rate is almost the same as men's, on average women are paid 67.6 per cent of the wage earned by men and women's unemployment rate is double that of men.[37] The areas in which women work, particularly the *maquila* industry and domestic work in private homes, tend to be less subject to regulation. Women are thus exposed to poor working conditions, low wages, little job security and the potential risk of exploitation and violence.

41. Historically dependent on agriculture and the export of bananas and coffee, Honduras has established EPZs as a means to stimulate economic growth by attracting foreign direct investment. It has diversified its export base to include the clothing and automobile industries. The first free zone was established in 1977 in the city of Puerto Cortés. In 2007, 342 companies operated in 67 EPZs. As at 2010, there were 102 EPZs and 19 industrial parks in Honduras.[38]

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[33] Inter-American Court of Human Rights, *López Álvarez* v. *Honduras*, order of 13 June 2005.

[34] World Bank, data on Honduras (http://data.worldbank.org/country/honduras).

[35] Centro de Estudio de la Mujer, "Investigación sobre el cumplimento de los DESC de las mujeres en Honduras" (2010).

[36] World Bank, Honduras Overview (www.worldbank.org/en/country/honduras/overview).

[37] International Trade Union Confederation (ITUC), "Internationally recognized core labour standards in Honduras: report for the WTO general council review of the trade policies of Honduras" (2010).

[38] Ibid.

42. A study on these zones conducted in 2010 revealed that 110,912 people were employed in various industries, with 78.5 per cent of them employed in garment factories.[39] Companies in the zones operate 24 hours per day, seven days per week and their production targets range from 1,800 to as high as 4,800 pieces per day, with the more a worker produces in one day, the higher the quota.[40] According to one report, women EPZ workers were allowed two timed bathroom breaks per shift and were not paid for their overtime if their production requirements were not met. The report also states that the workers' minimum wage is less than US$ 0.70 per hour; that in many cases the employers do not contribute to the social security fund; that the workers have no health care rights; and that any attempt to organize or protest is punished with firing and blacklisting.[41]

43. Former *maquila* workers shared their testimonies with the Special Rapporteur and confirmed that they often worked long hours without rest. They also witnessed co-workers succumb to chronic fatigue, depression and musculoskeletal disorders as a result of the hazardous working conditions. Women working in EPZs are unable to claim their social benefits, including maternity leave, and earn between 28 and 51 per cent less than the minimum wage. Employers justify lower wages for women with the stereotype that women's work is less demanding than men's work.

44. Domestic workers are also at an increased risk of exploitation, as they work in private households. There are an estimated 64,000 domestic workers in Honduras; of which 20,000 are women. Article 131 of the Constitution states that domestic workers are covered by "social legislation", which provides health coverage for illness and maternity and allowances for family members, including the elderly and orphans. The law also addresses issues of lockouts, accidents, unemployment benefits, occupational diseases and all other contingencies that affect the ability to be productive. Unfortunately, in practice, many domestic workers are denied such protections.

45. Interlocutors also raised the issue of access to land for farmers as a concern. Since 2009, the Bajo Aguán region in northern Honduras has been the setting of land disputes. Some concerns raised in interviews include the problematic nature of the land reform programme of 1972; the allocation, over two decades, of an estimated 120,000 hectares of land to farmers who had migrated from the south of the country; and the subsequent modification of the land reform in 1992, which allowed the farmers to sell their land to third parties. It was argued that thousands of acres of land had been transferred from the farmer communities to large agro-industrial firms, with entrepreneurs in palm oil production seizing the opportunity and acquiring a significant percentage of the land.[42]

46. Farmer communities have disputed the legality of such land sales, claiming that they are still the rightful owners of the land. Information was shared indicating that between January 2010 and March 2011, 25 deaths had been registered relating to conflicts over land. The Special Rapporteur also received allegations that Margarita Murillo, president of the farmers organization Las Ventanas and the founder of the National Farmers Trade Union (Unión Nacional de Campesinos), had been assassinated in August 2014 as she was working on a piece of land in the department of Cortés. It is alleged that her death may be due to her work defending the rights of farmers.

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[39] Metropolitan Autonomous University in Xochimilco and Colectiva de Mujeres Hondureñas, "Condiciones de trabajo y prevalencia de trastornos musculoesqueleticos y psiquicos en poblacion trabajadora de la maquila de la confección, Departamento de Cortés, Honduras" (2012).

[40] Jamie K. McCallum, "Export processing zones: comparative data from China, Honduras, Nicaragua and South Africa", International Labour Office Working Paper No. 21 (Geneva, 2011).

[41] ITUC, "Internationally recognized core labour standards".

[42] FIDH, "Honduras: human rights violations".

47. Sources indicate that 1,487 land-ownership deeds were issued to farmers between February and August 2010, but less than one third of these (482) were awarded to women. Furthermore women were allocated 28.4 per cent of the ownership rights for agricultural land during this period. Some sources argue that women are largely denied access to and control of productive resources and that, in most cases, they are unable to obtain credit to enable them to be successful farmers. This results in their dependency on their husbands or male relatives being reinforced, and renders them vulnerable to violence.[43]

48. One report states that 300,000 children between the ages of 5 and 14 work in Honduras, with 63 per cent of them in the agricultural sector. The report also reveals the prevalence of child labour within indigenous communities.[44]

C. Social and cultural rights

49. Obstacles to the promotion, protection and fulfilment of women's human rights and a life free from all forms of violence include deeply rooted patriarchal attitudes and the pervasiveness of a *machista* culture that reinforces stereotypes about the roles and responsibilities of women and men in the family, in the workplace and in society.

50. Education is free in the public system, and the number of girls enrolled in primary school is higher than that of boys. However, the level of education remains inadequate, particularly in rural areas. The Special Rapporteur was informed that due to the prevalent and visible drug trade, which has given rise to concerns about safety and exposure to drug dealers, parents living in certain areas are reluctant to send their children to school.

51. The lack of education and employment opportunities are among the major causes of gang involvement by children. The Government established the Guardians of the Homeland initiative in 2007[45] which extends the mandate of the military to incorporate the training of vulnerable children aged between 5 and 18, and adults up to 23 years of age, in "values", with a view to discouraging children from joining gangs and to reducing delinquency. It was estimated that 75,000 children participated in the initiative in 2013.

52. A study conducted between September and December 2010 revealed that there were approximately 4,281 active gang members operating in different cities, including 872 female adolescents, with 60 per cent of them in San Pedro Sula and 21 per cent operating in Tegucigalpa.[46] In addition, 447 active gang members were in detention in January 2014. Amendments to article 332 of the Criminal Code resulted in the migration of members from urban to rural areas, turning these areas into new hubs for gangs.[47]

53. Reproductive rights remain an area of particular concern. Honduras has the second highest rate of teenage fertility, with a rate of 102 per 100,000 live births. On 2 April 2009, Congress prohibited the promotion, use, sale, purchase and creation of any policy or programme related to the emergency contraception pill. It also banned the distribution and the commercialization of emergency contraception through pharmacies, drug stores and any other means. Additionally, Congress prohibited the use of oral contraceptives as a method

[43] Centro de Estudios de la Mujer, "Honduras: unbearable levels of violence", in Social Watch, *Report 2012*.

[44] ITUC, "Internationally recognized core labour standards".

[45] See Decree No. 1816 of 2007.

[46] National Programme for Prevention, Rehabilitation and Social Reintegration, "Situación de maras y pandillas en Honduras" (www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf).

[47] Ibid.

of emergency contraception.[48] The Supreme Court subsequently declared the ban on emergency contraception constitutional, upholding the view that emergency contraception was a method of abortion and therefore violated article 126 of the Criminal Code of Honduras, which criminalizes abortion without exception. The Article 132 of the Code provides for a sentence of four to six years' imprisonment for anyone who causes an abortion through acts of violence, even if unintentionally, while knowing the victim's state of pregnancy. The absolute prohibition of abortion implies that women and girls are condemned to continue pregnancies and to face revictimization by society. It has also led women and girls who are impregnated as a result of rape or incest to resort to unsafe and clandestine abortion services and practices, sometimes with fatal consequences.

V. Challenges in fulfilling the State's obligation to act with due diligence to eliminate violence against women

54. Honduras has committed to protecting and promoting the rights of women through its ratification of numerous international instruments, including the International Covenant on Civil and Political Rights (1997) and its Optional Protocols; the International Covenant on Economic, Social and Cultural Rights (1981); the Convention on the Elimination of All Forms of Discrimination against Women (1983); the Convention on the Rights of the Child (1990) and the first two Optional Protocols thereto; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1996) and the Optional Protocol thereto; the International Convention on the Elimination of All Forms of Racial Discrimination (2002); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2005); the Convention on the Rights of Persons with Disabilities (2008) and the Optional Protocol thereto; and the International Convention for the Protection of All Persons from Enforced Disappearance (2008).

55. The Special Rapporteur notes that Honduras is not yet a party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

56. At the regional level, Honduras has ratified, among others, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

57. The National Institute for Women, established by Decree No. 232-98 of 1999, is the central body responsible for the implementation of the country's obligations with regard to women's rights, and its gender policy. The Special Rapporteur expressed concern that the Institute falls under the Social Development Department, perpetuating the view that violence against women needs to be addressed through a social welfare lens as opposed to through a human rights-based approach. She also expressed concern at the lack of resources allocated to the different mechanisms, which limits their capacity to effectively respond to violence against women.

58. The following section examines the measures taken by the Government to fulfil its international obligations to prevent, investigate, prosecute, and punish violence against women, as well as to protect victims and provide them with effective remedies.

[48] See Decree No. 54-2009.

A. Prevention

59. Measures by which States can fulfil their due diligence obligation to prevent violence against women include the enactment of laws, policies and programmes; the development of awareness-raising campaigns; the provision of training for relevant professionals; and the development of action plans to coordinate multisectoral approaches to addressing violence against women. Short illustrated publications, such as the popular version of the gender equality policy prepared by La Ceiba Municipality, can be considered a good practice for raising the awareness of a wider range of actors, including children.

60. The Domestic Violence Act is a preventive mechanism to combat domestic violence. Penalties of one to three years, and up to four years in aggravated cases, are set under article 179 (a) and (b) of the Criminal Code.[49] In many cases victims are reluctant to press charges against abusers for fear of reprisals. In addition to the Act, a national plan on violence against women was adopted in 2014 for the period covering 2014–2022. The Special Rapporteur regrets the lack of consultation with civil society in the elaboration of the plan.

61. The law against trafficking in persons was passed in April 2012. It prohibits all forms of trafficking and prescribes penalties ranging from 10 to 15 years of imprisonment. It also sets out, among other things, the structure and role of the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (art. 7).

62. Rape is considered a "public crime" and proceedings can be initiated even if the victim does not press charges.[50] In the absence of a complaint on the part of the victim of spousal rape, only a judge can take the decision to bring proceedings on an ad hoc basis. The penalties for sexual violence, including rape, vary depending on the type of the violation and aggravating circumstances. Penalties depend on factors such as the age, capacity, and state of the victim; the relationship between the victim and the aggressor; and the intentional transmission of sexually transmitted diseases, including HIV. The maximum sentence ranges from 15 to 20 years.[51] Article 149 of the Criminal Code also makes provisions to address the sexual abuse of minors. Preventive measures are included in the protocol provided to police on assistance to women survivors of violence, the National Mental Health Policy and the Third National Strategic Response to HIV and AIDS, among others.[52] Sexual harassment is criminalized under article 147 A of the Criminal Code and sentences range from one to three years' imprisonment. Pregnancy testing, as a condition of employment, is outlawed under the law.

63. In terms of education and training, the Government has expressed its intention to revise the school curricula to incorporate sections on human rights education, health, sexual and reproductive rights and gender equity.

64. The Gender Unit of the Supreme Court provides training at the national level on domestic violence. The Special Rapporteur was informed that the Department of Justice and Human Rights had conducted a series of training sessions in June 2014, aimed at ensuring the effective implementation of the national human rights policy and its action plan, for 9,000 civil servants across Honduras. The training was also extended to enforcement officers and the military. The National Institute for Women provides the Ministry of Security with guidelines and materials on prevention of domestic violence for

[49] In its response, the Government indicated that reforms to the Domestic Violence Act were under way. There are conflicting views about the integration of criminal provisions within the Act.

[50] See Decree No. 54-2009.

[51] Ipas and UNFPA, "Estudio sobre la situación".

[52] Ibid.

use in police training centres.[53] The National Autonomous University of Honduras offers the opportunity for civil society organizations to enrol in a 200-hour certification programme on gender and public policy. The Government of Honduras organizes awareness-raising activities during the 16 Days of Activism Against Gender Violence campaign.

65. The minimal attention to, and the lack of effective measures to address, women's empowerment needs is a factor that contributes to continuing insecurity and fear, and precludes the possibility of eliminating all forms of violence against women and girls. The Special Rapporteur expressed her concern at the ineffective measures to address social transformation through activities that are not sustainable and that do not meet the goal of addressing myths and stereotypes about gender roles and responsibilities.

B. Protection

66. Measures by which States can fulfil their due diligence obligation to protect women from violence include the provision of services such as telephone helplines, health care, counselling centres, legal assistance, access to shelters, protection orders and financial aid for victims.

67. The Department of Health manages the Integral Family Support programme, which offers services to women and adolescents in some municipalities where specialized clinics for battered women have been established.[54] In Tegucigalpa, the Ministry of Health and Doctors Without Borders set up the *servicio prioritario* (priority service) in 2011, which provides free-of-charge emergency attention for people suffering the medical and psychological consequences of violence, including sexual violence.[55] In 2011, Honduras had 16 family counsellors specialized in the provision of assistance to victims of intrafamily violence in the Department of Health. However, they lack sufficient technical and material resources, and their focus is largely on domestic violence cases that are referred by the courts.[56]

68. In March 2014, the Inter-Agency Commission on the Implementation of the Domestic Violence Act, composed of representatives of the National Institute for Women, the Public Ministry, the Department of Health, the Central District Municipality, the National Human Rights Commission and civil society organizations, launched the Centre for Support and Protection of Women's Rights (CAPRODEM) in the city of Comayaguela. The Centre offers orientation, medical, legal and psychological assistance to victims of domestic and intrafamiliar violence. The Special Rapporteur was informed of a protocol that outlines the procedures and practices to follow in providing comprehensive assistance to victims of domestic and intrafamiliar violence.

69. The Centro MAI in La Ceiba is a one-stop centre where victims receive legal, medical and psychological assistance, but it does not cater exclusively to the needs of women. There are guidelines for the implementation of model comprehensive care for medical personnel and agencies involved in the criminal justice system. The Special Rapporteur expressed concern at the absence of a gender-responsive reception area at the

[53] Central America Women's Network, "The response of international aid agencies to violence against women in Central America: the case of Honduras" (2008).

[54] Ibid.

[55] Doctors Without Borders, "Honduras: MSF makes care for rape survivors a priority" (www.msf.org.uk/article/honduras-msf-makes-care-rape-survivors-priority).

[56] Ipas and UNFPA, "Estudio sobre la situacion".

Centre and raised the concern of confidentiality and possible breaches of security as regards the management and storing of case files.

70. Moreover, the Special Rapporteur expressed concern at the lack of sufficient facilities, such as shelters for battered women and safe houses for women who have to enter the witness protection programme. A visit was conducted to the only such shelter in Tegucigalpa, which is for victims of domestic violence and run by a non-governmental organization. During the visit, the Special Rapporteur was informed that the Office of the Special Prosecutor for Women had on multiple occasions referred high-risk cases involving women linked to, inter alia, murderers, organized crime and gangs, to this shelter. The practice has continued, despite repeated warnings by the director that such practices place the shelter, its staff and its residents in a state of extreme vulnerability, and hinders the ability to effectively provide assistance to victims and guarantee their safety. A similar situation was highlighted in La Ceiba, where a woman under witness protection in relation to the murder of a relative was placed in a shelter for victims of domestic violence. The State has a duty to provide differentiated and appropriate protection or assistance to women victims of violence, based on whether they are witnesses or direct victims of violence. The State cannot justify imposing on third parties its primary responsibility to prevent acts of violence against women and to protect victims who are witnesses in criminal cases.

71. Efforts to provide services at the municipal level include having a gender unit or department with professional staff to address the therapeutic and other needs of women. Unfortunately, such services are linked to donor funding and their sustainability is a source of concern.

C. Investigation, prosecution and punishment

72. There are several ways in which States can fulfil their obligation to ensure perpetrators' accountability for acts of violence against women, including by adopting or amending legislation and strengthening the capacities of the different criminal justice system agencies. In Honduras, the challenges to an effective criminal justice response are the lack of coordination of the different mechanisms and the lack of expertise and resources to conduct credible investigations of crimes relating to gender-based violence, including domestic violence, sexual abuse and femicide.

73. Victims of gender-based violence can file complaints with the police, the National Human Rights Commission, the Office of the Public Prosecutor or the Municipal Offices for Women, among others. Women who file complaints of gender-based offences are often revictimized through the process. In general, no space is set aside where such complaints can be filed in a manner that guarantees the complainant's privacy and security. Often such statements have to be made in open areas in front of the general public, which compounds the complainant's sense of vulnerability. Furthermore, the complainant has to provide her testimony multiple times in the presence of various actors who, although members of different institutions, are nonetheless part of the same criminal justice system. The Special Rapporteur welcomed the fact that the Centro MAI in La Ceiba offered the possibility of a one-stop approach where victims and witnesses recorded their testimony once, thereby avoiding repetition.

74. There are also structural problems associated with the justice system that have a negative impact on the investigation and prosecution of cases, including the lack of police stations, courts and forensic units across the country. The closure or merging of investigation units has also led to concerns about the lack of specificity in prosecuting crimes against women, the lack of appropriate equipment and tools and the lack of human resources, thereby further eroding the need for accountability for such crimes. A further source of concern at both the central and municipal levels is the limited collection of data on the prevalence of, and

on outcomes of, investigations and prosecutions. The Special Rapporteur also wishes to stress that the multiple and intersecting forms of discrimination facing women of indigenous background and Afro-descendant women further affects their access to justice.

75. The Special Rapporteur's findings echo those highlighted in the Inter-American Commission on Human Rights report *Access to Justice for Women Victims of Sexual Violence in Mesoamerica*. In the report, the Commission indicates that the failure to investigate gender-related crimes can be partially attributed to discriminatory sociocultural patterns that discredit women victims and reinforce the perception that such crimes are not priorities. The Special Rapporteur was informed that in some cases, the police laugh or refuse to register complaints from women. Increasing the number of female police officers would encourage a more responsive reporting environment and may help address the issue of frequent withdrawal of complaints, which negatively impacts prosecution rates.

76. While noting the positive measures taken to criminalize femicide, the Special Rapporteur is concerned that very few cases have been tried under the newly created offence. In fact, she was informed that prosecutors have a tendency to take to trial only those cases in which the evidence is considered sufficient to win a conviction. The Special Rapporteur was also informed of difficulties in obtaining evidence, including DNA, due to the shortage of forensic facilities. She was also informed that the presence of a prosecutor was required in order to authorize forensic physicians to begin gathering evidence in rape cases. However interviewees were not in agreement about such a requirement, and were unable to confirm the legal basis for such a requirement.

77. Without making any assumptions about or expressing an opinion on the facts of cases shared during the visit to the national penitentiary, or on the veracity of the testimonies received, the Special Rapporteur notes that the information shared by interviewees seems to indicate serious limitations during the investigative stages of the criminal justice system. Furthermore, the lack of adequate legal assistance for women, as well as the allegations that female offenders seem to face harsher sentences and that women are treated differently from their male counterparts by the criminal justice system, seem to indicate gender stereotyping and gender bias practices by the criminal justice system.

D. Provision of effective remedies, including reparations

78. The provision of effective remedies involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services (A/HRC/14/22, p. 1). The failure to provide victims with legal assistance, information and support obstructs the right to effective remedies.

79. Under the Domestic Violence Act, the offender is obliged to provide full compensation to the survivor, including payment for damages and the expenses incurred by victims in dealing with the effects of the acts of violence. No information was shared on the effectiveness of this provision.

80. Following the second regional meeting of the Central American Court of Justice, held in Tegucigalpa, a set of rules for the assistance to victims of gender-based violence with an emphasis on sexual violence was adopted in October 2011. The rules provide for the establishment of a State compensation fund for the harm caused by gender-based violence. Compensation is not limited to financial compensation, but also includes socioeconomic programmes to help victims to rebuild their lives. The rules further provide that remedial measures should include medical and psychological rehabilitation. No information was shared on the effectiveness of this provision.

81. According to interviewees, there is no national assistance office for crime victims and the Government does not provide monetary compensation to such victims. This seems

to corroborate the view that there is a major gap between laws and their implementation and enforcement, which leaves victims with a sense of insecurity, defenselessness and loss of confidence in the justice system.

VI. Conclusions and recommendations

82. **The Government has undertaken a number of legislative and institutional initiatives to meet its human rights obligations to address the situation of women and girls in the country. However, these have not been translated into practical improvements in the lives of the majority of women who remain marginalized, discriminated against and at a high risk of being subjected to numerous human rights violations, including violence and sexual and reproductive rights violations. Impunity, socioeconomic disparities and corruption continue to foster a generalized state of violence. The absence of a comprehensive data collection system to guide policy development and to monitor progress in the field of violence against women is a further challenge. Moreover, the failure of the State to exercise its due diligence obligation to investigate, prosecute and punish perpetrators of gender-based violence contributes to an environment of impunity that results in a decline of trust in national mechanisms and the rule of law among the Honduran population**

83. **In the light of the above, the Special Rapporteur would like to make the following recommendations.**

A. Law and policy reforms

84. **The Special Rapporteur recommends that the Government:**

(a) Ratify all outstanding international human rights instruments, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(b) Revise article 332 of the Criminal Code on "unlawful associations" and ensure that the enforcement of this provision does not result in due process rights violations and the criminalization of juveniles, including girls;

(c) Establish a specialized investigation and prosecution unit on femicide to combat impunity in cases of gender-based murder and conduct effective criminal investigations;

(d) Ensure adequate funding to improve existing infrastructure to support victims of gender-based violence and to create new centres that provide psychosocial, legal and residential services throughout the country, paying special attention to the increased vulnerability of indigenous women and Afro-descendant women living in rural areas;

(e) Build the capacity of institutions, such as the National Institute for Women, the National Police, the Office of the Public Prosecutor the Supreme Court of Justice and the Institute of Forensic Medicine, including by increasing their human and material resources;

(f) Strengthen the independence of the National Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and ensure that the nomination and selection process is fair and transparent;

(g) Establish an independent national women's commission in accordance with the Paris Principles and which is mandated to receive and investigate complaints about violations of women's rights. The commission must be equipped with sufficient human, technical and financial resources to fulfil its mandate;

(h) Strengthen cross-border cooperation with neighbouring countries with a view to reduce the incidence of trafficking in persons;

(i) Establish and/or strengthen existing monitoring mechanisms to ensure that female workers, particularly those working in the informal sectors, are protected from all forms of exploitation, and hold businesses accountable for practices that negatively affect the health, well-being and security of workers;

(j) Ensure that all police stations, tribunals and courts are equipped with specialized professionals who have received training on gender-based violence and gender sensitivity.

B. Accountability

85. **The Special Rapporteur recommends that the Government:**

(a) Take effective measures to ensure access to justice and effective remedies for all women victims of violence, and in particular:

(i) Develop mechanisms to ensure a holistic, coordinated and sustained response to violence against women in order to apprehend, prosecute and convict offenders, contribute to the health and safety of the victim and prevent revictimization;

(ii) Ensure the fast and efficient management of cases;

(iii) Ensure that all incidents of violence against women are thoroughly investigated by the police and are prosecuted effectively, and that perpetrators are sanctioned in proportion to the severity of their crime;

(iv) Strengthen fair trial safeguards by ensuring access to legal counsel during all phases of pretrial detention and the investigative stages of cases;

(v) Undertake a comprehensive review of the criminal justice system and ensure that case files relating to the sentencing of female offenders and the prosecution of gender-based violence are reviewed for evidence of gender bias;

(vi) Establish specific safeguards to ensure that women's histories of victimization and abuse are taken into consideration when making decisions about incarceration, especially in respect of custodial sentencing for non-violent crimes;

(vii) Ensure that protection measures are put in place to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, and ensure that witness and victim protection programmes are established;

(viii) Ensure that all procedures and complaint mechanisms are accessible to women who are victims of violence and their family members and other witnesses without fear of reprisal;

(b) Allocate adequate human, technical and financial resources to ensure that police officers, prosecutors and criminal justice officials can fulfil their mandate and ensure fair and equitable distribution of resources across the country.

C. Societal transformation, including awareness-raising, addressing gender stereotypes and women's empowerment

86. **The Special Rapporteur recommends that the Government:**

(a) Design and launch targeted awareness-raising campaigns to educate and change the mindsets and attitudes of men, women and children through all available means, including schools and the media;

(b) Train and sensitize the media in issues related to women's rights generally and violence against women in particular, in order to contribute to changing the predominant social and cultural beliefs and attitudes that are harmful to women; and address the current sensational reporting practices.

D. Statistics and data collection

87. **The Special Rapporteur recommends that the Government:**

(a) Improve data collection and analysis of incidents of violence and discrimination against women in all sectors, particularly those relating to labour, health, education and the criminal justice system, while ensuring safety and privacy rights throughout the process;

(b) Ensure common, reliable and transparent recording methods on all forms of violence against women, its causes and consequences. Such data should be disaggregated by sex, race, age, ethnicity, geographic location and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women in the country, both general and gender-specific;

(c) In cooperation with civil society organizations, develop monitoring and evaluation tools to evaluate progress made in eradicating violence against women in a clear systematic way, and integrate such tools in the country's periodic demographic and health surveys;

(d) Conduct studies to assess the scope of violence against women across Honduras in cooperation with relevant research institutions, civil society organizations and United Nations agencies as appropriate.

E. Recommendation to United Nations agencies and entities

88. **The Special Rapporteur recommends that, in light of the systemic, widespread and pervasive problem of violence against women and girls in Honduras, there is a need to review the presence, programmes and resources of United Nations agencies that exist in the country in the quest to respond to and prevent violence against women and girls. Technical cooperation and assistance is needed to ensure that this human rights violation is addressed more substantively by United Nations agencies.**